

October 10, 2017

david.chizewer@goldbergkohn.com
direct phone: 312.201.3938
direct fax: 312.863.7438

VIA FEDERAL EXPRESS AND ECF

The Honorable Philip P. Simon
United States District Court
Northern District of Indiana
5400 Federal Plaza
Suite 4400
Hammond, IN 46320

Re: United States of America and State of Indiana v. Atlantic Richfield Company, et al.
Civil Action No. 2:14-cv-00312-PPS-PRC

Dear Judge Simon:

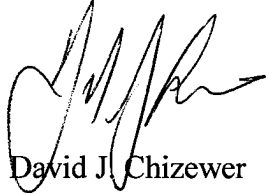
This firm represents the Applicants-Intervenors in the above-referenced case concerning the USS Lead Superfund Site in East Chicago, Indiana. Applicants filed a Motion to Intervene, which was denied by Magistrate Judge Cherry for not being timely filed. Applicants' Objection to Magistrate Judge Cherry's Opinion and Order is now fully briefed before Your Honor.

Applicants would like to draw your attention to a decision recently issued in *Walker, et al. v. City of East Chicago, et al.*, No. 2:16-cv-00367-JTM-PRC (N.D. Ind.), another case involving the same set of circumstances surrounding the USS Lead Superfund Site in East Chicago, attached hereto as Exhibit A. Following the decision issued by Chief Judge Springmann in *Rolan, et al. v. Atlantic Richfield Company, et al.*, No. 1:16-cv-00357-TLS-SLC (N.D. Ind.), which Applicants wrote Your Honor about on August 9, 2017, Judge Moody allowed plaintiffs' personal injury claims to go forward notwithstanding the two-year statute of limitations for such claims, finding that "the court cannot conclude that plaintiffs knew or should have known of their injuries outside the limitations period" based on "a series of sporadic publications from the EPA dating back to 2006."

This decision further supports Applicants' argument in their Objection to Magistrate Judge Cherry's Opinion and Order (Dkt. No. 35) that their Motion to Intervene was timely filed after Applicants learned, in the summer of 2016, that their interests were threatened by the Consent Decree lodged in the above-captioned case.

The Honorable Philip P. Simon
October 10, 2017
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Chizewer", with a stylized, flowing script.

DJC:dmo
Attachment

cc: Catherine Garypie, EPA Associate Regional Counsel (w/attach., via electronic mail)
Annette Marie Lang, Esq. (w/attach., via electronic mail & ECF)
Wayne T. Ault, Esq. (w/attach., via electronic mail & ECF)
Gregory P. Gadson, Esq. (w/attach., via electronic mail & ECF)
Michael H. Elam, Esq. (w/attach., via electronic mail & ECF)
David L. Rieser, Esq. (w/attach., via electronic mail)